

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF NORTH CAROLINA

GENETIC TECHNOLOGIES LIMITED,

Plaintiff,

v.

GLAXOSMITHKLINE LLC,

Defendant.

Civil Action 1:12-cv-00299-CCE-JLW

**DEFENDANT  
GLAXOSMITHKLINE LLC'S  
MOTION TO DISMISS UNDER  
FEDERAL RULE OF CIVIL  
PROCEDURE 12(b)(6)**

**Oral Argument Requested**

Through counsel and pursuant to Local Rule 7.3 and Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant GlaxoSmithKline LLC ("GSK") hereby moves this Court to dismiss the Second Amended Complaint of Plaintiff Genetic Technologies Ltd., D.I. 73, with prejudice, for failure to state a claim upon which relief can be granted. In support thereof, GSK submits the accompanying supporting brief.

As contemplated by Local Rule 7.3(c)(1), special considerations warrant a hearing or oral argument for this Motion. In particular, a hearing or oral argument will assist the Court to better understand why the Motion should be granted early in the course of this litigation, before broad discovery, claim construction, exchange of infringement and invalidity contentions, and other matters related to patent proceedings.

This the 27th day of June, 2014.

/s/ John F. Morrow, Jr.

John F. Morrow, Jr.

North Carolina State Bar No. 23382

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### **CERTIFICATE OF SERVICE**

I certify that on June 27, 2014, I filed the foregoing document using this Court's ECF system, which will serve a copy via email to all counsel of record.

/s/David R. Boaz  
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